

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q61862

Pierre DUPUY

Appn. No.: 09/715,171

Group Art Unit: 2617

Confirmation No.: 6878

Examiner: Khawar IQBAL

Filed: November 20, 2000

For: A METHOD AND APPARATUS FOR TRANSMITTING DIGITAL DATA

**RESPONSE UNDER 37 C.F.R. § 1.111**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 21, 2006, reconsideration and allowance of the subject matter are respectfully requested. Claims 1-16 are all the claims pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

**I. Rejection Under 35 U.S.C. § 112**

Claims 1, 6, 12, and 16 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that the aforementioned claims contain subject matter: "transmission in circuit mode" was not described in the specification. Applicant respectfully submits that support for this feature can be found, for example, on page 4, lines 25-32 of the specification. In particular, page 4, lines 25-32

discloses: “protocol adaptation or conversion consists … in transforming a packet transmission code usable upstream from the BSC circuits in the GPRS standard into a mode suitable for transmission over the circuits that are usable downstream” (emphasis added). As discussed throughout the specification, the transmission channel interconnecting the first and second relays has a limited data rate (e.g. 16 kbits) for transmission of data formatted in the GSM protocol. As is well known by those skilled in the art, the limited rate GSM protocol data is transmitted in circuit mode as opposed to the later developed GPRS protocol which utilizes packet mode transmission. Further, the test for determining compliance with the written description requirement of 35 U.S.C. § 112 is “whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession of the claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language.” See Ex parte Harvey, 3 U.S.P.Q.2d 1626 (Pat. Off. Bd. App. and Inter. 1986). Thus, the claimed subject matter: “transmission in circuit mode” is described in the specification and complies with the written description requirement of 35 U.S.C. § 112, first paragraph. Accordingly, the Examiner is requested to remove the § 112, first paragraph, rejection.

## **II. Prior Art Rejections**

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kaaresoja (U.S. Pat. 6,556,573). Applicant respectfully submits that the claimed invention would not have been anticipated or rendered obvious by Kaaresoja.

Independent claim 1 is directed to “[a] transmission apparatus.” Independent claim 1 recites:

a first relay receiving data messages formatted in a first protocol from a transmitter and converting the data messages formatted in the first protocol into data messages formatted in a second protocol;

a second relay connected to the first relay and receiving the data messages formatted in the second protocol from the first relay and transmitting the data messages formatted in the second protocol in a synchronous mode to a receiver;

a transmission channel interconnecting the first and second relays and having a limited data rate associated to transmission in circuit mode, wherein said data messages formatted in said second protocol include data messages of different lengths; and

means for transmitting said data messages formatted in said second protocol over said transmission channel in an asynchronous mode.

With regard to independent claim 1, the Examiner cites the abstract, figs. 1-6 and column 6, lines 8-21 and 35-60 and column 9, lines 25-62 of Kaaresoja as allegedly disclosing the claimed transmission channel interconnecting the first and second relays. Column 6, lines 8-21 and 35-60 state: “an AAL5 protocol is designated to define the ATM cell traffic flow from the source to the destination ... [i]n accordance with another aspect of the invention, a cellular communications system for communicating voice information over a core network using Asynchronous Transfer Mode.” Column 9, lines 25-62 state: “[t]he Common Part ... supports Variable Bit Rate[] traffic ... [t]he CPI field ... is conventionally used to align the trailer to a 64-bit boundary.” However, Applicant respectfully submits that Kaaresoja does not teach or suggest “a transmission channel interconnecting the first and second relays and having a limited data rate associated to transmission in circuit mode, wherein said data messages formatted in said second protocol include data messages of different lengths”, as required by claim 1. Instead, Kaaresoja merely discloses an ATM core network 206 linking the IWF (transcoder 208) and the BTS (200), which is utilized for transmitting data via the ATM protocol in packet mode at a very

high data rate transmission.<sup>2</sup> As such, ATM cannot be used for transmission over a transmission channel having a limited data rate associated to transmission in circuit mode as required by claim 1. Further, as conceded by the Examiner in previous Office Action, Kaaresoja does not teach or suggest a “second protocol to transmission in circuit mode.” (see March 23, 2006 Office Action at page 4).

Accordingly, Applicant respectfully submits claim 1, as well as dependent claims 2-5, should be allowable because the cited reference does not teach or suggest all of the features of the claims.

Independent claims 6, 12, 13, and 16 recites features similar to those discussed above with regard to claim 1. In particular, these claims recite: “a limited data rate associated to transmission in circuit mode, wherein said data messages formatted in said second protocol include data messages of different lengths.” Accordingly, Applicant respectfully submits that claims 6, 12, 13 and 16 are patentable at least for the reasons mentioned for claim 1. Further, dependent claims 7-11, 14 and 15 are patentable at least by virtue of their dependency on claims 6, 12, 13, and 16.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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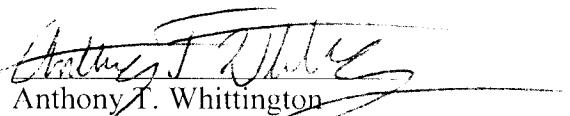
<sup>2</sup> See column 8, lines 21-62.

Response under 37 C.F.R. § 1.111  
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: October 23, 2006